

THE ATTORNEY GENERAL, DEPT OF JUSTICE AND THE COURTS

Case of Michael Despott, associated allegations, and injustices

Date: October 15th 2023

Urgent Att: The Attorney General, Department of Justice,
the Magistrates court and the Prosecution

Foreword: Hereby appealing to you, not only as administrators of the Justice system, but as human beings, in an aim not only to bring awareness to the stress, grievance and injustices that Mr Despott has been and is still being exposed to, but also in the aim of providing an alternative view point or perspective, given that we can assume that their case is not an isolated incident, this matter is of utmost urgency, as Mr Despott could be a potential suicide risk, if this matter ensues.

Mr Despott would have initially preferred the opportunity to have this matter heard by a jury, in an ideal world, however, given the dire and unjust circumstances, further exaggerated by the absence of legal council, and the particularly stressful, unjust and systemically and fundamentally biased protocols and administration surrounding not only such process, but his personal situation, this would in fact deem a fair trial, highly improbable, if not almost impossible.

1. Areas of concern regarding administration and processing

- The systemic disadvantages and highly unfavourable nature associated with that of the Mental Health Courts versus that of the main courts, in terms of fair and due process and its subjugation of basic rules and principles, including but not limited to fair justice and the rule of law.
- The fact that one is potentially confronted with a harsher penalty, for requesting a jury hearing, versus that of one in the lower courts, and that is actually used as a means in which to deter one from accessing a fair trial.
- The fact that the Mental health courts can actually inflict harsher penalties than the main courts even as far as indefinite imprisonment.
- The fact that the mental health courts can choose to ignore/subjugate the basic guidelines, ethics and ethos for evidence, as far as refusing medical reports, reviews and submissions.
- The overall ambiguous nature in which the evidence is assessed.
- The absence of impartiality in relation to the psychological/psychiatric review process, whereby they can choose to draw entirely on their own administration and/or practitioners.
- The fact that a very application for review in these courts can be denied purely on abstract, vague or ambiguous foundations, such as a perception of being frivolous or vexatious, yet no where are the details of such criteria outlined.

2. Personal mitigating factors

The individual in question has had to withstand a resting heart rate as high 175bpm, constant fear, anxiety, and even paranoia, in fear of their own life, have had to leave their friends, a supportive community and access to quality mental health services, including 2 psychologists, and has since had numerous hospital submissions and more no fewer than 30 clinical appointments, a stay in a stay in mental care since the time of this altercation, in addition to being on suicide watch, requiring numerous in person consults and also regular phone appointments and a recent psychotic relapse.

As a result of the pending charges, they have been denied access to volunteering in their chosen field, being mental health, whereby they were previously working in the capacity as a support

worker, for a gamut of areas, including youth, disability, elderly and other similar fields, and have done so in varying capacity for 20yrs now and were in fact preparing to return to this line of work, just prior to this altercation. In addition to this, they have also been forced to remain in their current location in lieu of court proceedings, and have been unable to return to their community at all, this has ensued for more than 12 months now.

In presenting his defence, he would in fact bring to the attention of the broader community, the finite details surrounding and leading up to this, the egregious nature not only of the justice system, but of all facets of its administration, however, unfortunately due to this very process, he will subsequently also have his voice silenced in the process, and it will be highly probable that he will potentially be condemned to a mental institution, again, victim to another unjust and unfair process, and perhaps indefinitely as a result.

Further to this, the “accused” has a history of mental illness, being that of complex trauma, anxiety and PTSD, namely due to his previous admission into psychiatric care where he was in fear of his life due to the actions of a stalker, with a history of anxiety and paranoia, which in light of this reacted quite within that of the expectations of someone of a normal disposition, let alone someone suffering from the aforementioned.

3. Associated vulnerabilities, fitness for trial

We would at this point in time like to stress that previous dealings with your administration and Mr Despott, were done so under duress, and at a time when the individual in question did not fully comprehend, understand, nor was of the mental constitution to correctly or adequately understand and/or interpret the very nature of parts, nor full thereof, the proceeding and the associated administrative processes, and was not, nor possesses the mental constitution, nor aptitude and/or was also subsequently provided with limited, inadequate or misleading and even contradictory and confusing legal council, advise, and even correspondence, thus unable to adequately process nor deal with what was put before him at almost every stage of these proceedings.

This aforementioned strain, and disposition had actually been brought to the attention of previous legal council, yet they seemed to have failed to inform the courts of here said issues, nor do I believe did they present the relevant supporting documentation to this effect, however legal aid, nor previous council have not, nor have ever provided at length or in any sufficient detail any insight into proceedings, in a manner that was clear or obvious to the client.

As you can imagine this has caused grievance and unnecessary stress for the accused, placing them at a significant disadvantage, to which raise numerous moral, ethical and even legal concerns, in addition to further factors which we will enter into.

Mr Despott, is still yet to receive, nor possesses any of the aforementioned insights and/or information, nor capacity in which to adequately even process, let alone prepare an adequate defence, suffice to say, nor in light of this, would even receive a fair trial, as defined by your very own rule of law and associated procedural guidelines, including but not limited to common law protections, anti discrimination laws and that of basic human rights.

Unfortunately, despite recent evidence personally presented, via correspondence to the courts, the subsequent administration failed to properly recognise and protect this individual and vulnerable person against such grievance, and subsequently rejected their application for an adjournment.

4. Egregious conduct, moral and ethical concerns

The reasons for delaying this correspondence and process, has been out of fear, namely that of recourse from the “accuser” and also the police, also subsequently out of confusion, and dismay, given that your administration and subsequent interactions and associated processes has instigated what is formally known as feedback loop, or a “mind trap”, which sadly is a known technique employed whereby you create a scenario, whereby there is no real fair or equitable resolve, with the strict aim of directing a person towards your own desired outcome, and also conditioning them to accept this path or outcome, its actually a known technique adapted in Psyops, which is particularly cruel and manipulative.

To further compound this, whilst the accused was in hospital seeking psychiatric care, the local council, co-incidentally initiated proceedings in an attempt to tow and impound the vehicle of Mr Despott, whilst in care, despite his previous correspondence and pleas.

What is equally concerning in this situation is your administration had access to the necessary information and material, in order to not only fulfil such an objective, but to also identify the existing vulnerabilities in Mr Despott, being that of their existing mental health and psychological profile, to leverage off this in a way that would be extremely beneficial, and one would only need asses this from the point of a weighted probability, as to determine as to whether this was the case, i.e namely that of motive, the additional actions of council only adds to this weight.

5. Declaration of innocence

There is need at this point the need to stress the stance, in regards to their innocence in this particular case, and they do definitely feel as though they have been backed into a corner, whereby normally the only real viable option for someone of this type of disposition, especially in light of the stresses and conditioning, in this situation, would be to in fact end their own life.

I ask that you kindly revise the brief of evidence and all material, through this lens, and ask yourself, does this really add up, is their enough doubt, is there potential weight to this entire argument, suffice to say, is their also sufficient enough evidence to convict.

6. Areas of consideration, question and concern:

Was there an existing relationship with the Police and the accuser, as either an informant and/or in the capacity or role as an enforcer of local laws, if so by what authority?

- a/ Were the actions of the accuser potentially sequestered by police?
- b/ Could this relationship have influenced/biased the Police response to the treatment of the situation, i.e the collection of statements?
- c/ Locals have stated to the effect that the accuser has been engaged in this type of behaviour for around 5yrs, yet numerous attempts to report it have apparently been stonewalled, why is this the case?
- d/ Do the image submissions to local council by the accuser, shed light on this activity?
- e/ The question surrounding the accuser acting “out of character” did he potentially snap this night?
- f/ Did the accuser go out to the site armed?
- g/ Did the accuser go out to the site intending to in still fear or harm?
- h/ What was the accusers intentions that night?

8. Conduct and motive of the accuser

The question also to be raised is the questionable motive, intent of the accused, whereby if they did intend on causing harm, then why didn't they, there is sufficient doubt regarding this conflict:

- a/ As to whether the accuser, in the heat of this, didn't actually try to disarm the accused, with the intention of using the weapon themselves?
- b/ Witnesses reported an extreme level of hostility from Mr Rowan, in relation to his attitude towards those in question, actions that were both aggressive, racist and hostile, was this investigated and charges pressed against the accuser?
- c/ Could the witnesses have potentially been forced, or even threatened into providing false testimony by any means, or felt potentially intimidating in to doing so?
- d/ Is there sufficient enough discrepancies within the statements to cast sufficient doubt?
- e/ There were a spate of subsequent tire slashings targeting camper vans, only weeks after this attack by the accuser on those based out at and/or visiting West Point, was this investigated?
- f/ Was the wound to the accusers hand, potentially self inflicted?

7. Accused as victim, nature of the altercation

I bring into question that the accused may have very well feared for their life on the night of this incident, that rather than a gentle tap on the window as was claimed, that there was several loud bangs an attempt to damage the vehicle and/or insight fear into the accused, subsequently constituting an act of terrorism. I would also propose that the accused would not normally resort to such an active stance, but did so not only out of necessity but also as an act of self defence and were well within their rights to do so, as they felt that they were not only protecting themselves but that of any potential future victims!

- a/ Is the accused calling 000 consistent with someone who intended to harm, or consistent with someone in fear of their life?
- b/ Why would the accused hold the flat side of the knife to the victims throat, if they indeed intended to inflict harm?
- c/ It is proposed that the accused never held the knife to their throat at all.

8. Administrative constraints and disadvantages

Sadly it was very much a case for the accused of not only first in first served, but whose response was actually given priority over the accused, thus finding this entire timeline and course of action favouring that of the accuser as apposed to the real victim, being the accused!

The subsequent advise provided by legal assistance to the accused, was to not pursue a counter claim or lodge any sort of complaint or investigation into the matter, nor one against the police, to which I to some degree have to agree, given that they could make the accused life very difficult, not to mention those which might wish to come to their aid...

Just envisage for one moment, all this going against you and you are powerless to do anything about it, combined with the aforementioned stresses, and you have someone with a history of mental health, now with an added layer of persecution based paranoia, anxiety and stress and just imagine the impact that would have on someones mind...now also imagine how this and the aforementioned factors might influence their own defence in court setting, especially in the presence of here said individuals...

9. The Charges of possession

In relation to the charge of possession of a dangerous drug, Mr Despott had been gifted this substance, he was not explicitly informed of its composition, it was granted to him upon requesting medicinal aids to treat anxiety, he was also under the impression that substances of this nature were in fact legal, especially given that he had seen it these substances now being sold and advertised. Mr Despott has also read about the right to self medicate and the right of necessity, especially in light of alcohol and tobacco being legal and more damaging, he saw his actions of not being of any harm to himself or others and also used this compound out of desperation, in order to reduce a dangerously high heart rate and anxious state of mind.

10. Rule of Law, ethical concerns

In light of this line of thinking, how have we allowed the misalignment of laws and acts that deny individuals the right to self preservation, or a situation of no victim no crime, when it causes no harm to themselves or others, and at what stage did we decide that this line of logic and reasoning was not only incorrect but illegal?

In addition to this, ask yourselves as administrators, how many cases have come across your desk whereby scenarios such as or similar to this might be at play, that involve part or in full conduct and scenarios of this nature, further more, how many have been unjustly prosecuted as a result?

11. The treatment of vulnerable persons, risks and concerns.

How this process has not only failed to make allowance for someone with a mental illness, but either directly or indirectly as a result of the subsequent administration has actually utilised a line of administration that has unfairly benefited the prosecution and the courts, whilst disadvantaging and even discriminating against the defendant.

The court and associated administration has placed considerable pressure on the defendant, in light of being aware of their mental illness and current mental statement and in doing so has:

- Egregiously disadvantaged the defendant
- Inflicted serious psychological and physical harm to the defendant
- Failed to respect basic human rights principles
- Failed to make sufficient allowances or time
- Potentially attempted to exploit this vulnerability

The defendant has been extremely open and quite transparent about their position and their subsequent issues, especially where it has delayed the administration of these processes.

- Instructed the court in detail of their mental health status
- Provided support documents and evidence to support this
- Provided information regarding the issues with acquiring both reliable and quality legal representation, even as far as being advised to plead guilty.
- From the initial onset, a scenario was created whereby the situation and circumstances leading up to this event were not only aggravated by both the actions and inaction's of the police, but then led to subsequent grievance and unnecessary stress to the accused, even as far as leveraging off this mental state, in order to try to gain a conviction.

Someone in this position is not only extremely vulnerable in this head space, but also open to coercion, to influence and pressure and also potentially at a high risk of not only doing themselves injustice, in that they are unable to fairly and adequately defend themselves, but may also be tempted or persuaded into pleading guilty, as a means of seeking respite.

In saying this, one is unfortunately faced with the real possibility that they will inevitably be at risk of harm, irrespective of whichever direction they choose, where by being incarcerated, and placed in an environment where one is also faced with the impending threat of their environment, being that is well publicised and a known fact that prisons are dangerous places, with a population comprising of extremely dangerous individuals...

To further exacerbate this, you have an individual, in this case “the accused” who has a known mental illness, and suffers from a range of mental health conditions, including suicidal ideation, that would make them especially more vulnerable in this situation.

12. Projected and desired outcome

As to where to from here, well we are not entirely sure, we just wish to seek fair and amicable resolve of this matter, and at the very least open up a dialogue and conversation around this in addition to bringing awareness to it, because I would like to think that the aforementioned conduct was not intentional, and we do sincerely feel for the pressure and responsibility of government and the justice system, and realise no system is perfect.

It would be somewhat of a waste of what could be an opportunity to say potentially call on the minds and insights of individuals in the community suffering from mental illness, and working with practitioners, and the administrators, and draw on this as a means of potentially gaining such insights with the aim of creating a fairer process, also as a means of helping to adequately recognise, diagnose and assist those in such a given situation.

We would like to propose that the courts, administration, justice system and even the nature of the very construct, of law, acts and legislation, be made more clear, concise, in more simplistic terms and frames of reference, with easy to follow process, i.e eliminating a lot of the confusion and abstraction that currently exists, within the existing framework, equally as important is that we potentially look at addressing the issues outlined in this correspondence.

Suffice to say, we feel that if this matter cannot be resolved fairly and amicably, we may be required to publish this information as a means for advocating reform and also as a means of protecting the individual in question, as we face the task of seeking remedy, and the “accused” would hope fairness in doing so, however they also remain extremely vulnerable during this period.

Signed,

Guardian

As guardian, we act merely in the capacity as a protective construct and mechanism, and have volunteered thus to protect the persons in question, but are not employed as such, any opinions stressed, or information brought forward, is not intended vexatious, defamatory, threatening or litigious in any way shape or form.

Without prejudice all proceedings and disclosures will be conducted and made without prejudice to the rights and positions of the parties in any subsequent arbitration or other legal proceedings;